

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PHILIP COLUMBO,

Plaintiff,

-against-

ORDER

22-cv-775 (RA) (JW)

PHILIPS BRYANT PARK LLC, *et al.*,

Defendants.
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JENNIFER E. WILLIS, United States Magistrate Judge:

On November 22, 2022, this Court denied Plaintiff's Cross-Motions to Disqualify Counsel and Expedite Discovery. Dkt. No. 51. On December 20, 2022, this Court ruled to stay discovery pending resolution of motions to dismiss. Dkt. No. 52. In Plaintiff's opposition to Defendants' Motion to Dismiss, Plaintiff includes identical Cross-Motions to Disqualify Counsel and Expedite Discovery. Dkt. No. 63. Defendants oppose stating, in part, "Plaintiff's simple restatement of points of law already ruled on by this Court represent[] an impermissible second bite at the metaphorical apple." Dkt. No. 68. This Court agrees. As this Court has already ruled on an identical motion, the Court considers the instant request a request to reconsider its prior ruling.

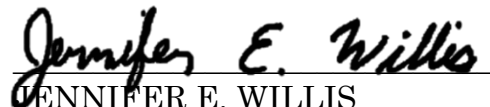
"[R]econsideration is generally appropriate only where the movant demonstrates that the Court overlooked controlling decisions or factual matters that were put before it on the underlying motion, which had they been considered might reasonably have altered the result reached by the court . . ." [SimplexGrinnell LP v. Integrated Sys. & Power, Inc.](#), 642 F. Supp. 2d 206, 210 (S.D.N.Y. 2009)

(internal quotation marks omitted). Here, Plaintiff cites identical case law as was cited in its previous request at Dkt. No. 36, which was denied. Plaintiff offers no new evidence, controlling decisions, or factual matters warranting this Court's reconsideration. Therefore, for the reasons stated in the Court's prior order, Plaintiff's Cross-Motions to Disqualify Counsel and Expedite Discovery are DENIED.

The oral argument scheduled for October 18, 2023, at 10:30am is ADJOURNED *sine die*. The Court is not likely to entertain further requests to disqualify counsel or expedite discovery, particularly while Motions to Dismiss are pending. Any future requests on these issues should introduce new information in the moving papers.

SO ORDERED.

DATED: New York, New York
October 16, 2023


JENNIFER E. WILLIS
United States Magistrate Judge